

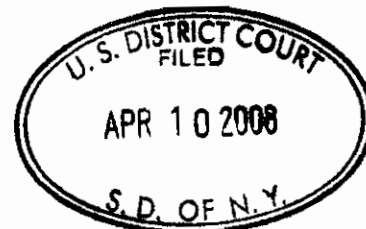
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

FEB 28 2008

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MAR 17 2008

ATTEST *[Signature]*
FOR THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATIONUNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATIONIN RE: WASHINGTON MUTUAL, INC., SECURITIES,
DERIVATIVE & "ERISA" LITIGATION

Robert L. Garber v. Washington Mutual, Inc., et al.,)

S.D. New York, C.A. No. 1:07-11422)

Joseph Procida, etc. v. Kerry K. Killinger, et al.,)

S.D. New York, C.A. No. 1:08-565 BSJ)

MDL No. 1919

CONDITIONAL TRANSFER ORDER (CTO-1)

On February 21, 2008, the Panel transferred two civil actions to the United States District Court for the Western District of Washington for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* ___ F.Supp.2d ___ (J.P.M.L. 2008). With the consent of that court, all such actions have been assigned to the Honorable Marsha J. Pechman.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Western District of Washington and assigned to Judge Pechman.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Western District of Washington for the reasons stated in the order of February 21, 2008, and, with the consent of that court, assigned to the Honorable Marsha J. Pechman.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Western District of Washington. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is
pending at this time, the
stay is lifted.

MAR 17 2008

CLERK'S OFFICE
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MULTIDISTRICT LITIGATION

FOR THE PANEL:

[Signature]
Jeffery N. Lüthi
Clerk of the Panel

**IN RE: WASHINGTON MUTUAL, INC., SECURITIES,
DERIVATIVE & "ERISA" LITIGATION**

MDL No. 1919

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